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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,942	04/19/2005	Yi Li	2085-04000	4511

23505   7590   12/24/2009
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EXAMINER
PARK, JEONG S

ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
12/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

	Application No.	Applicant(s)	
Office Action Summary	10/531,942	LI, YI	
	Examiner	Art Unit	
	JEONG S. PARK	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 August 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/531,942 filed on

8/31/2004. The amendment presented on 9/29/2009 is hereby acknowledged. Claims 1-

24 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 2, 5-8, 10, 11, 14-17 and 19 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in

view of Shabtay et al. (hereinafter Shabtay)(US Pub. No. 2002/0120743).

        Regarding claims 1 and 10, Mao teaches as follows:

        A data acquisition source management (a video on demand (hereinafter VOD)

gateway manages multiple incompatible and non-interoperable VOD systems, see, e.g.,

abstract) method comprising:

        generating a source list identifying a set of acquisition sources (interpreted as

multiple VOD systems, 30, 50 and 60 in figure 2A) coupled to a Real- time Multimedia

Data On Demand (RTMDOD) server (RTMDOD server is interpreted as VOD gateway

which includes VOD asset gateway 72, VOD session gateway 74 and VOD transaction

gateway 76 in figure 2A)(VOD asset gateway aggregates video inventory from multiple

VOD vendor's equipment and presents a listing of VOD titles to the viewer, see, e.g., page 1, paragraph [0012]) each acquisition source within the set of acquisition sources for provision of data therefrom (VOD systems deliver video (equivalent to applicant's data) to the set-top box over the CATV system, see, e.g., page 2, paragraph [0029]);

receiving a list request from a data requestor system (set-top box 40 in figure 2A) in data communication with the RTMDOD server (the VOD client software communicates with the VOD asset management system to display lists of available video programming to the CATV subscriber, see, e.g., page 2, paragraph [0025]);

providing the source list to the data requestor system in response to the list request (the unified lists of VOD assets is presented at the set-top box, see, e.g., page 2, paragraph [0028]);

receiving a data request from the data requestor system at the RTMDOD server, the data request identifying a first acquisition source within the set of acquisition sources from which data is to be provided (the VOD session gateway receives the request for the given video from the subscriber via the set-top box, see, e.g., page 2, paragraph [0029]);

transmitting a data acquisition request from the RTMDOD server to the first acquisition source in response to the data request (the VOD session gateway receives the request for the given video and communicates with the appropriate VOD system that serves the particular given video selected by the subscriber, see, e.g., page 2, paragraph [0029]); and

initiating the transmission of data at the first acquisition source in response to the

data acquisition request (the selected VOD system delivers the purchased video to the

set-top box over the CATV system, see, e.g., page 2, paragraph [0029]).

Mao does not explicitly teach of generating a source list identifying a set of

acquisition sources but generating data list available from acquisition sources.

Shabtay teaches as follows:

a method of connecting a client to a server by load balancer associated with a

plurality of servers includes selecting a server to service the client (see, e.g., abstract).

Therefore Shabtay teaches of selecting a server from multiple servers list then

serves the client from the selected server.

It would have been obvious for one of ordinary skill in the art at the time of the

invention to combine Shabtay with Mao in order to efficiently select a source (or a

server) before requesting service (or data) from the source responsive to a number of

available connections.

Regarding claims 2 and 11, Mao teaches as follows:

providing a data response from the RTMDOD server to the data requestor

system in response to the data request being received by the RTMDOD server from the

data requestor system (client sends "clientsessionsetup" message to the session

gateway (502 in figure 5A) via session resource manager (504 in figure 5A hereinafter

SRM) in step 2 and the SRM sends "clientsessionsetupcomfirm" message to the client

in step 12, see, e.g., page 6, paragraph [0110]-[0121] and figure 5A).

Regarding claims 5 and 14, Mao teaches as follows:

providing the data response from the RTMDOD server to the data requestor
system comprises transmitting data from the RTMDOD server to the data requestor
system, the data being provided by at least one acquisition source within the set of
acquisition sources indicated by and in response to the data request (the selected VOD
system delivers the purchased video to the set-top box over the CATV system, see,
e.g., page 2, paragraph [0029]).

Regarding claims 6 and 15, Mao teaches as follows:

the data transmitted from the corresponding at least one acquisition source to the
RTMDOD server is subsequently received by the data requestor system in real-time
therefrom (real time streaming protocol (hereinafter RTSP) supported for
communication between VOD client 544 and VOD server 540 via session gateway 542,
see, e.g., page 7, paragraph [0137]-[0142] and figure 6).

Regarding claims 7 and 16, Mao teaches as follows:

the data received by the RTMDOD server from the corresponding at least one
acquisition source comprises multimedia data (video on demand system used for
delivering video on client demand, see, e.g., abstract).

Regarding claims 8 and 17, Mao teaches as follows:

providing an error message to the data requestor system by the RTMDOD server
in response to the data request in the event that a data transmission error occurs
following transmitting the data acquisition request from the RTMDOD server to the first
acquisition source (the session gateway communicates with the set-top box and VOD
servers, therefore the session gateway inherently provides or has capability of providing

a message in response to a communication failure between the set-top box and the

VOD servers, see, e.g., page 3, paragraph [0039]).

Regarding claim 19, Mao teaches as follows:

each acquisition source (VOD system) within the set of acquisition sources is in

data communication with the RTMDOD server (VOD gateway)(VOD asset gateway

aggregates video inventory from multiple VOD systems, see, e.g., page 1, paragraph

[0012]) .

4.   Claims 3, 4, 9, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in view of

Shabtay et al. (hereinafter Shabtay)(US Pub. No. 2002/0120743), and further in view of

Kumar et al. (hereinafter Kumar)(US Patent No. 7,188,151).

Regarding claims 3 and 12, Mao in view of Shabtay do not teach of registration

process for the acquisition sources.

Kumar teaches as follows:

transmitting registration data (logon ID and password) from the set of acquisition

sources to the RTMDOD server (creating a session with the system by transmitting a

logon ID and password, see, e.g., col. 8, lines 20-43);

verifying the registration data from the set of acquisition sources by the RTMDOD

server (registration 1002 in figure 10 and individual client 1102 in figure 11, verification

is inherently included for session login procedure); and

registering the set of acquisition sources onto the source list and storing the

registration data corresponding to the registered set of acquisition sources onto a source database (profile database 1204 in figure 12) in response to the registration data being verified (entered user profile is written in the profile database, see, e.g., col. 9, liens 34-37 and figure 12).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Kumar with Mao in view of Shabtay in order to securely register available resources before using as a resource provider.

Regarding claims 4 and 13, Mao in view of Shabtay do not teach of registration process for the data requestor.

Kumar teaches as follows:

transmitting log-in data from the data requestor system (provider) to the RTMDOD server (provider can immediately view their patient's real time data by joining the session, see, e.g., col. 8, lines 57-59 and figure 11 for service provider registration);

registering the data requestor system onto a requestor list in response to receiving the log-in data therefrom, the requestor list containing at least one of a plurality of data requestor systems (see, e.g., col. 9, lines 51-59 and figure 15); and

transmitting the source list to each of the plurality of data requestor system registered on the requestor list (the provider can view streaming and/or saved data relating to the patient by selecting button 504 in figure 5, see, e.g., col. 8, lines 47-56).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Kumar with Mao in view of Shabtay in order to authenticate the VOD subscriber before presenting a listing of VOD titles to the subscriber.

Regarding claims 9 and 18, Mao in view of Shabtay do not teach of updating the acquisition source status.

Kumar teaches as follows:

verifying status of each of the acquisition source registered on the source list, the status of each of the acquisition source being one of active and inactive (Admin module 1010 in figure 19 shows the clients submodule 1902 includes servlets that display disabled and enabled clients and modify the profile of client, see, e.g., col. 11, lines 1-26 and figure 19);

updating the source list by removing the acquisition source having the status of inactive therefrom (the provider is notified that a session is in progress via a flashing "live" button, see, e.g., col. 8, lines 47-56); and

transmitting the updated source list to each of the plurality of data requestor system registered on the requestor list (the provider is notified that a session is in progress via a flashing "live" button, see, e.g., col. 8, lines 47-56).

Therefore they are rejected for similar reason as presented above in claim 4.

5.   Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. (hereinafter Mao)(US Pub. No. 2003/0088876) in view of Shabtay et al. (hereinafter Shabtay)(US Pub. No. 2002/0120743), and further in view of Bakshi et al. (hereinafter Bakshi)(US Patent No. 6,574,663).

Regarding claims 20-24, Mao in view of Shabtay do not explicitly teach of updating status of each acquisition source periodically.

Regarding claim 20, Bakshi teaches as follows:

the status of each acquisition source within the set of acquisition sources is verifiable periodically (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claim 21, Bakshi teaches as follows:

each acquisition source within the set of acquisition sources is verifiable by transmitting a status signal from each acquisition source within the set of acquisition sources to the RTMDOD server (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claims 22 and 23, Bakshi teaches as follows:

the status of each acquisition source within the set of acquisition sources which is in data communication with the RTMDOD server is an active status (active device reports status periodically to the topology server, see, e.g., col. 5, lines 15-27).

Regarding claim 24, it is rejected for similar reason as presented above in claims 20 and 21.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Bakshi with Mao in view of Shabtay in order to efficiently update status information periodically to the managing server.

Response to Arguments

6.   Applicant's arguments filed 8/28/2009 have been fully considered but they are not persuasive.

A.   Summary of Applicant's Arguments

        In the remarks, the applicant argues as followings:

        1) Regarding claims 1 and 10, in accordance with Shabtay, the client does not
select a particular server; rather, the load balancer selects the server. The client
remains blind as to which particular server the load balancer selects. Nowhere in
Shabtay is there mentioned a list of servers is provided to the client. Nowhere does
Shabtay mention that a list of servers is available for selection by the client, and that
data is acquirable by the client from a client selected server. The servers are simply
connected to the load balancer and a selection is made by the load balancer based on
server connection management processes that fail to provide for client based selection
of a specific server by way of a data request that identifies a first acquisition source
within a set of acquisition sources.

        2) Regarding claims 9 and 18, applicant submits that it is disclosed in Kumar that
the provider is notified of a session in progress via a flashing "live" button. Therefore the
"live" button differentiates a patient who is listed on the screen and transmitting data
and a patient who is listed on the screen but not transmitting data. Hence, the patients
who are not ready for data communication with the provider (i.e., the status of the
patients are "inactive") are still listed on the screen.

B.   Response to Arguments:

In response to argument 1), Mao teaches of receiving a list request from a data requestor system (set-top box 40 in figure 2A) in data communication with the RTMDOD server (the VOD client software communicates with the VOD asset management system to display lists of available video programming to the CATV subscriber, see, e.g., page 2, paragraph [0025]).

Mao does not explicitly teach of generating a source list identifying a set of acquisition sources but generating data list available from acquisition sources.

Shabtay teaches the deficiency of selecting a source from a source list before requesting data from the selected source (a method of connecting a client to a server by load balancer associated with a plurality of servers includes selecting a server to service the client, see, e.g., abstract).

Therefore Shabtay teaches of selecting a server from multiple servers list then serves the client from the selected server.

In response to argument 2), Kumar teaches as follows:

Admin module (1010 in figure 19) shows the clients submodule 1902 includes servlets that display disabled and enabled clients and modify the profile of client (see, e.g., col. 11, lines 1-26 and figure 19); and

the provider is notified that a session is in progress via a flashing "live" button (see, e.g., col. 8, lines 47-56).

Therefore, the admin module displays all disabled and enabled clients via a flashing live button showing clients with enabled and disabled.

The examiner interpreted that the disabled clients are listed off the enabled list

and the enabled clients are listed off the disabled list by updating current client status.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JEONG S. PARK whose telephone number is (571)270-

1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2454

December 4, 2009
                                   /NATHAN FLYNN/
                          Supervisory Patent Examiner, Art Unit 2454